Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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<u>Ex parte</u> MATT HENDRICKSON, ROB JOSE
AND KEN WLENS

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Appeal No. 2004-1003
Application No. 09/728,250

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ON BRIEF

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Before HAIRSTON, KRASS, and RUGGIERO, <u>Administrative Patent Judges</u>.

KRASS, <u>Administrative Patent Judge</u>.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-33 and 38-46. Claims 34-37 have been indicated by the examiner as being directed to allowable subject matter and are not before us on appeal.

The invention pertains to electronic resumes. In particular, the invention is said to allow a user to dynamically change the style of an online resume. A user selects a resume style from a plurality of resume styles. Each style has a corresponding style sheet describing the style. A

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user is also prompted to enter data needed to create the resume. A file is automatically created

from the user data and the file is transformed into a resume file by applying the style sheet

corresponding to the user's selection.

Representative independent claim 1 is reproduced as follows:

1. A method for allowing a user to dynamically change the style of an online resume that is created using an online guided resume creation system, the system comprising at least one database, the at least one database comprising a plurality of fields requiring input of data, the method comprising the steps of:

a) displaying a plurality of resume styles for user selection, each one of the plurality of resume styles defining a plurality of formatting parameters for the entire online resume, wherein the plurality of formatting parameters includes margin settings, font type, font size, and text justification and each resume style having a corresponding style sheet describing the resume style, including positions within the resume style of fields of data from the database:

b) collecting data from a user;

c) prompting the user to select one resume style from the plurality of resume styles;

d) automatically creating a file from the user data;

e) applying the style sheet corresponding to the selected resume style to the file to transform the file into a resume file that is viewable online and printable.

The examiner relies on the following references:

RESUMES.COM WEBSITE   December 17, 1999
            (www.www.resumes.com)

RESUMAKER   October 30, 1999
          (www.www.resumes.com/resumaker)

MICROSOFT WORD 2000, 1999
          Microsoft Corporation, screenshots pages 1-21

Claims 1-33 and 38-46 stand rejected under 35 U.S.C. §103 as unpatentable over

Resumes.com website and ResuMaker online resume creation database in view of Microsoft.

Reference is made to the brief and answer for the respective positions of appellants and

the examiner.

OPINION

It is the examiner's position, with regard to independent claim 1, that ResuMaker teaches

the claimed subject matter but for each resume style defining formatting parameters for the entire

online resume, including margins, font type/size, justifications, with each style having an

associated style sheet including positions of fields of data. The examiner turns to Microsoft for a

teaching of various resume templates (Contemporary, Elegant, and Professional), noting that

"activation of each style results in both a preview and a default editable document based upon

each style template, with specific formatting parameters specific to each style, as applied to a

specific resume in its entirety" (answer-page 4).

The examiner further notes that Microsoft "teaches a default document based upon its associated template which describes a specific resume style, including directions to click on various resume positions to type relevant information" (answer-page 4).

The examiner then concludes that it would have been obvious to apply Microsoft to ResuMaker, "providing a user of ResuMaker the convenience of comparing and selecting pre-configured resume styles, as well as providing specific positions for input of data onto said resume" (answer-page 5).

Appellants do not deny that Microsoft teaches user-selectable default documents based upon associated templates that describe a specific resume style, but they do argue that "unlike the claims of the present invention, each style template in MS Word does not have 'a corresponding style sheet' and therefore the user cannot change the resume style once the template is applied to the user data" (brief-page 8). Appellants urge that the reason Microsoft does not allow the user to change styles after the style is selected and applied to user data is because Microsoft "*merges* formatting data with the user data. In the present invention, formatting data for each style is provided in the style sheet and stored *separately* from the user data. Thus, the present invention allows the user to switch the style *of the entire resume* in a single command *without* having to reenter personal data" (brief-page 9).

We agree with appellants.

The examiner does not disagree with all of appellants' arguments. Rather, when it comes to the argument re "formatting data for each style is provided in the style sheet and stored *separately* from the user data. Thus, the present invention allows the user to switch the style *of the entire resume* in a single command *without* having to reenter personal data" (brief-page 9), the examiner responds only by pointing out that the instant claims do not specifically recite that a style sheet is stored separately from user data, or that a single command is required to change a style.

While these words do not explicitly appear in the claims, we note that at least independent claims 1 and 12 require that each resume style has a corresponding style sheet, that data is collected from the user (and a file is automatically created therefrom), that the user selects one resume style, and that there is a step of "applying the style sheet corresponding to the selected resume style to the file to transform the file into a resume file...". Such language makes it clear to us that the file created from the user data is separate from the plurality of resume styles, one of which is selected by the user. The style sheet is then "applied" to the user data file, making it very clear that the style sheet corresponding to the selected resume is "separate" from the user data file, and this application of the style sheet to the user data file transforms the user data file into a resume file. Thus, it is apparent that the user can switch the style of the entire

resume by merely applying a different style sheet to the user data file, without having to re-enter

user information into each resume style sheet.

We find nothing disclosed or suggested in the applied references that provides for these

claimed features.

It appears that ResuMaker is nothing more than an online resume generator, wherein a

user is guided through a series of pages for entering data and guided through selections for a

resume style, or layout. But, even the examiner admits that ResuMaker does not teach resume

style defining formatting parameters for the entire online resume, including margins, font

type/size, justifications, with each style having an associated style sheet including positions of

fields of data. Without a teaching of the claimed "style sheet corresponding to the selected

resume," ResuMaker clearly cannot meet the instant claim requirements of applying the style

sheet to the user data file to transform the user data file into a resume file. Thus, we turn to

Microsoft to determine if this reference would have provided to the artisan some reason to

modify ResuMaker in order to result in the instant claimed invention.

We agree with appellants that Microsoft suggests user-selectable default documents based

upon "associated templates" that describe a specific resume style, but that each style template in

Microsoft does not have a corresponding style sheet, as claimed. Therefore, there cannot be an

application of a style sheet to the user data file to transform the user data file into a resume file. Once the template is applied to the user data in Microsoft, it appears that a user cannot change the resume style and appellants' observation, that the reason for this is that Microsoft "merges" formatting data with user data, is accurate. Accordingly, the instant claimed subject matter of independent claims 1 and 12 is not taught or suggested by either ResuMaker or Microsoft, or any combination thereof.

Accordingly, we will not sustain the rejection of claims 1 and 12, or of claims 2-11 and 13-22, dependent thereon, under 35 U.S.C. §103.

We also will not sustain the rejection of claims 23-33 under 35 U.S.C. §103 because independent claim 23 also calls for "transforming the file into a resume file by applying the style sheet corresponding to the user selected resume style to the file." Thus, again, it is clear that the style sheet is separate from the user data file and that one is "applied" to the other in order to produce a resume file. We do not find this limitation disclosed or suggested by the applied references.

Independent claims 38 and 44-46 include similar recitations about the creation of a resume file from the user data, and a separate selected resume style. Thus, we also will not sustain the rejection of claims 38-46 under 35 U.S.C. §103.

The examiner's decision rejecting claims 1-33 and 38-46 under 35 U.S.C. §103 is,

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accordingly, reversed.

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<u>REVERSED</u>

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KENNETH W. HAIRSTON Administrative Patent Judge	)
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ERROL A. KRASS Administrative Patent Judge	) APPEALS AND
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JOSEPH F. RUGGIERO Administrative Patent Judge	)
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